

**STILLWATER COUNTY  
COMMISSIONER MINUTES**

<p><b>Notice:</b> These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder MCA 7-4-2611(2)(b).</p>
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**REGULAR MEETING  
August 10, 2021**

<b>PRESENT</b>	Commissioners Mark Crago, Chair, Tyrel Hamilton and Steve Riveland, members; Madisyn Hudecek, Admin Assistant.  Others Present: Piney Helmuth, Road & Bridge; Maureen Wiltshire, DES; Forrest Mandeville, Planning; Kevin Ray, Road & Bridge; Stephanie Ray, Economic Development; Christine Baker, Economic Development; Scott Waltner, Solid Waste; Marlo Pronovost, Stillwater County News; Citizens – Shirlee Keffer, Lynn Essex, Keith Brown, Robert Scarr.
<b>PLEDGE</b>	Commissioner Crago opened the meeting with the Pledge of Allegiance.
<b>MINUTES</b>	July 20, 2021. Commissioner Hamilton <b>MOVED</b> to approve the minutes as presented. Commissioner Riveland <b>SECONDED</b> . No discussion. <u>Motion passed unanimously.</u>
<b>CLAIMS</b>	None Presented
<b>ANNOUNCEMENTS</b>	Maureen Wiltshire announced that the Trout Creek fire is spreading outside of Nye, Absarokee and Beehive. The fire started Saturday night at approximately 11:30 p.m. and is still burning but has been contained to 8,300 acres. The county has been answering questions regarding evacuations and updates have been posted on the county website as well as the Facebook page. The public can check the website, Facebook page or call the DES office for updates. Commissioner Crago added that the evacuation notices have been lifted and residents are allowed to return to their homes. There are still fire crews working on the fires so be cautious when out and driving around. The Commission thanked all first responders from all levels. There was amazing work done by some amazing men and women on this fire. Commissioner Hamilton added that Stillwater River Road will remain closed to the public but land and homeowners can still access their property. Commissioner Crago noted that on Sunday, August 8 <sup>th</sup> , Resolution 2021-19, a resolution to declare a fire disaster and to request additional resources and assistance, was adopted. Commissioner Riveland stated that landowners in the fire area wanted to specifically thank the road crew for the outstanding job they had done. Commissioner Crago announced that the Stillwater River clean up will be on August 27 <sup>th</sup> to conduct a grant funded clean up of ten fishing accesses between Nye and Columbus. Stephanie Ray announced that the FCIP public outreach team just wrapped up a significant outreach effort through the month of July. Over one thousand surveys were received back. There was a lot of the public reached through local public events. Everything has been tracking the way it has been seen trending. The new county office building has more than fifty percent in agreement that we need a new county office building. The new fairgrounds and support facilities are trending behind with fifty-six percent agreeing and forty-two percent disagreeing. Overall, no negative feedback was heard from this. The new court and law enforcement facilities has tremendous support in the county. The library is trending behind at fifty-eight percent disagreeing. There is strong favor for preserving the current courthouse. Norton house was about fifty-fifty. The county is currently working with Tim Urbaniak on starting the preservation process with videography and photography in case the courthouse will ever move or need to be moved in the future. The location site layout was supported on how the sites are proposed to be used, which is using the existing fairgrounds

for the law and justice center and the office building. The public seems to like keeping all of the services centrally located and creating a county campus from the museum to the library to the office building and the law and justice being able to access all the services within a one block radius. Stephanie has been working with Marlo at the paper to do an article. The mail in cutoff for the survey is August 31, 2021. The online survey will not have a cutoff and the county is glad to take comment. With that, you will not see a significant shift in the current trend of support for the projects. The next step is for a schematic design for the Law and Justice Center at the Commission's discretion. Shirlee Keffer asked if there was a handout for the updated evaluation survey. Stephanie Ray replied that the survey results are on the website.

## **CONSENT AGENDA**

### **Finance**

A) Approve service agreement with Blackbox Systems for telephone support.

### **Solid Waste**

A) Beartooth Electric Cooperative estimate for construction to put in 200-amp service at the Rapelje site for the compactor.

### **DES**

A) Letter of recommendation to appoint Sue Leuthold and Rylan Williams to the Stillwater County LEPC.

## **FILE ITEMS**

### **Treasurer**

A) Report for the month of June in the amount of \$55,978,371.78

### **Justice Court**

A) Report for the month of July in the amount of \$15,056.50

### **Clerk & Recorder**

A) Report for the month of July in the amount of \$10,888.51

Commissioner Riveland **MOVED** to consent to the consent agenda and file the file items. Commissioner Hamilton **SECONDED**. Discussion - Commissioner Crago explained that the amount for the Black Box system is \$1775.00. Commissioner Hamilton provided the figures for the Beartooth Electric Cooperative estimate at \$9,091.00. Commissioner Crago added that it is to upgrade the electrical for the new upgraded compactor. Motion passed unanimously

## **REGULAR BUSINESS**

### **Planning**

A) Resolution to adopt the Stillwater County Development Regulations. Commissioner Hamilton **MOVED** to approve the resolution 2021-20, a resolution to adopt the Stillwater County development regulations. Commissioner Riveland **SECONDED**. Discussion – Forrest Mandeville explained that this is zoning regulations adopted under the Part II zoning enabling statute. This has gone through the county planning board, that has to look at Part II zoning first. It started with the county planning board approximately two and a half years ago. Last December, a recommendation was made on more or less what is provided on the resolution. The Commissioners held a public hearing and accepted public comments. The current resolution has changes made after the comment period. Commissioner Hamilton added that one of the things that was approached was how it affects Ag properties and single-family dwellings. The resolution is pretty much multi-family dwellings and up through commercial properties. This should not affect the Ag property owners and it is not going to affect single family homes either. The county is just trying to capture the bigger things like wind farms, solar generations, or if there is oil and gas development. Commissioner Riveland added that the planning board is recommending approval of this with the changes and updates that the Commission has done. Forrest stated that the planning board has not seen the changes from the Commission. Motion passed unanimously.

B) Meadows Subdivision #8 final Plat. Commissioner Riveland **MOVED** to approve the Meadows Subdivision #8 final plat. Commissioner Hamilton **SECONDED**. No discussion. Motion passed unanimously.

#### **Economic Development**

A) SK geotechnical proposal for Law & Justice Center and office building. Commissioner Hamilton **MOVED** to approve the SK geotechnical proposal for Law & Justice Center and office building. Commissioner Riveland **SECONDED**. Discussion – Commissioner Crago stated that the amount for this is \$27,000.00. Motion passed unanimously.

B) SK geotechnical proposal for vehicle storage and sand shed. Commissioner Riveland **MOVED** to approve the SK geotechnical proposal for vehicle storage and sand shed. Commissioner Hamilton **SECONDED**. Discussion – Commissioner Crago stated that the amount for this is \$5600.00. These two buildings will be located at the current road & bridge site in Columbus. Motion passed unanimously.

C) A&E Design proposal for Stillwater County Road & Bridge improvements. Commissioner Hamilton **MOVED** to approve the A&E Design proposal for Stillwater County Road & Bridge improvement. Commissioner Riveland **SECONDED**. Discussion – Commissioner Crago explained that the county road & bridge improvements include but are not limited to the sand shed, the vehicle storage building, modifications to the current road & bridge shop to allow for the weed department to move and take over two bays in the road & bridge shop and the facility department will take over two bays of the current road & bridge shop and there will be modifications to the old mechanic shop involving siding and roofing. The amount for this is \$231,950.00. Shirlee Keffer asked if this means that the current property being rented by the weed department will be discontinued. Commissioner Crago replied yes. Shirlee asked what the monthly rent was. Commissioner Riveland replied that the annual rent was approximately \$5000.00. Shirlee asked what the total is for the current improvements. Commissioner Crago responded that the work for the design and getting everything ready for the bid is the \$231,950.00. Commissioner Hamilton explained that this is an all-inclusive deal for that entire project site. When the time comes for the improvements, the weed department has set aside capital improvements money to pay for the upgrades to those buildings as they need them. Shirlee stated that if we knew in the treasurers report how much was set aside in capital improvements, the weed department has capital improvements money set aside to do this. It would be nice if “we the people” could see the breakdown of the general funds, capital improvements and trusts. Commissioner Hamilton replied that you can see the bulk of that item in the weeds departments budget line items. Motion passed unanimously.

D) A&E Design services for Park City High School water treatment. Commissioner Riveland **MOVED** to approve the A&E services for Park City High School water treatment. Commissioner Hamilton **SECONDED**. Discussion – Commissioner Hamilton explained that this is finalizing the agreement with A&E. The Board of Health requested that the county assist the Park City Schools with their water treatment problem of high nitrate levels in their well. This will help determine if the need a new well or put in an RO style treatment system or something for a public water system. The system will have to go through DEQ approval. The Commission approved the use of the A&E on call engineering services for Park City Schools. Work has already begun on this project so there is as little impact on the school year as possible. The services are for \$17,000.00 and this will also be ARPA funded. Motion passed unanimously.

#### **Clerk of District Court**

A) Permanent records preservation project with DIS Technologies in the amount of \$34,232.24. Commissioner Hamilton **MOVED** to approve the permanent records preservation project with DIS Technologies in the amount of \$34,232.24. Commissioner Riveland **SECONDED**. Discussion – Commissioner Crago explained that there are ten filing cabinets of permanent records in the District Court Office and this will help with space needs and will make the records more easily accessible to search. Motion passed unanimously.

### **Commission**

A) Absarokee Sewer \$175,000.00 ARPA request for funds match for competitive grant for Absarokee Hawkins Park Well Water Treatment System. Commissioner Riveland **MOVED** to approve the Absarokee Sewer \$175,000.00 ARPA request for funds match for competitive grant for Absarokee Hawkins Park Well Water Treatment System. Commissioner Hamilton **SECONDED**. Discussion – Commissioner Crago explained that this well was taken out of service several years ago due to water treatment issues. This will be a key project for the Absarokee Water & Sewer district and this will be very valuable for the Absarokee Water district as it reactivates a well on this side of the river versus everything being on the Circle T side of the river. Commissioner Hamilton explained that because they have their own district, they can request the governing body to support them through ARPA funds through the competitive grant match. These funds will only be disbursed if the grant is awarded. Commissioner Crago added that this is a \$1.1 million dollar project, \$550,000.00 will be competitive grant, \$175,000.00 will be the county support through current ARPA funds and \$375,000.00 will be paid for by the residents of Absarokee through a state revolving fund loan. Motion passed unanimously.

B) Reed Point Water & Sewer ARPA request for funds for sewer system in the amount of \$56,775.00, corrected amount of \$60,775.00. Commissioner Hamilton **MOVED** to approve the Reed Point Water & Sewer ARPA request for funds for sewer system in the amount of \$60,775.00. Commissioner Riveland **SECONDED**. Discussion – Commissioner Crago explained that this is specific to sewer improvements. This would add two new UV lights and two new aerators. They have outdated treatment equipment and these funds will help offset the costs of the project. Commissioner Hamilton added that the ARPA funds are very specific as to what then fund can be used for and this falls into the category of use and this will be a good use of those funds. Commissioner Crago also added that they are not applying for a competitive grant, this will be a direct allocation from the county to the Reed Point Water & Sewer District. Motion passed unanimously.

### **Absarokee Sewer**

A) Loan disbursement report in the amount of \$356,944.00. Commissioner Riveland **MOVED** to approve the loan disbursement report in the amount of \$356,944.00 for the Absarokee Sewer Project. Commissioner Hamilton **SECONDED**. No discussion. Motion passed unanimously.

**PUBLIC COMMENTS ON COUNTY BUSINESS** – Shirlee Keffer remarked that for the record, she traveled to the Nye traveling agenda meeting and found it very informative. There were about seven to ten residents in attendance. The bonus of the meeting was the presentation by the mine on a potential breach of their ponds. This prompted Shirlee as coordinator of the politics and eggs breakfast, to discuss with the Sheriff's department to have the next meeting on September 11 to be "Are you prepared?" After that discussion they had mentioned there had been no fires in Stillwater County and then the fire broke out Saturday night. The timing of politics and eggs as far as "We the People", are we really prepared in case of an emergency. The Sheriff's department and Disaster and Emergency Services will do a presentation for this. Shirlee also had commented on the building projects and believes her words of spending money wisely did not go over very well but she supports the Law & Justice Center and she stops there. Shirlee further remarked that she looks at what has been said about the courthouse and the can is still being kicked down the road because you want to build the new office complex to have all the services of the county and that she can understand that it is more cost effective to build a new building but then that leaves us with the courthouse. In the brochure it talks about putting in elevators and whether we can or we can't if it is not structurally safe to do so. Would there be a courthouse which "We the People" of Stillwater County want to keep but at what cost? Will it just sit there and be a ghost or eyesore like the Norton House. The Commissioners need to look at discussing with the architect, what is the cost of saving the courthouse. If you are going to save the courthouse, why don't you use it for the services of the county. Shirlee is still opposed to building the new building until there are answers to what is going to be done with the courthouse. The brochure gives us an empty occupancy for the courthouse and that is not acceptable.

With no further comments heard the meeting was recessed at 9:29 a.m.

**PUBLIC HEARING**  
**August 10, 2021**

<b>PRESENT</b>	Commissioner Mark Crago, Chair, Tyrel Hamilton and Steve Riveland, members, Madisyn Hudecek, Admin Assistant.  Others Present: Piney Helmuth, Road & Bridge; Maureen Wiltshire, DES; Forrest Mandeville, Planning; Kevin Ray, Road & Bridge; Stephanie Ray, Economic Development; Christine Baker, Economic Development; Scott Waltner, Solid Waste; Marlo Pronovost, Stillwater County News; Citizens – Shirlee Keffer, Lynn Essex, Keith Brown, Robert Scarr.
<b>OPEN PUBLIC HEARING</b>	Commissioner Crago opened the Public Hearing at 9:35 a.m.
<b>REASON FOR PUBLIC HEARING</b>	Commissioner Crago made introductions and announced the Public Hearing is being held for a petition to abandon a portion of Swindler Road.
<b>BACKGROUND ON ABANDONMENT</b>	Commissioner Hamilton read the attached Investigator’s Report for the Swindler Road abandonment.
<b>QUESTIONS AND COMMENTS:</b>	Commissioner Crago called for questions and comments. Commissioner Crago stated that one comment was received via email from Triangle Communications. The first half mile of the road contains a utility easement with the county in the county right of way. This will be investigated as to how it could affect the abandonment. Commissioner Hamilton requested to leave the public hearing open for two weeks while the road & bridge department communicate with Triangle Telephone to resolve the utility easement issue and approve the full abandonment request.
<b>CALL FOR OPPONENTS:</b>	Commissioner Crago called for opponents. No opponents were counted.
<b>CALL FOR PROPONENTS:</b>	Commissioner Crago called for proponents. Two proponents were counted.
<b>CLOSE PUBLIC HEARING:</b>	Commissioner Crago stated that the request from Commissioner Hamilton was adequate regarding keeping the public hearing open to investigate the utility easement. This portion of the public hearing will be closed but the written comment portion will remain open until Monday, August 23, 2021 to hopefully have action by the Tuesday August 24, 2021 meeting provided the matter of the easement is clarified.  Commissioner Crago closed the public hearing portion of the Swindler Road abandonment at 9:39 a.m. to recess at 10:00 a.m. for the first reading of six speed ordinances.

## **PUBLIC HEARING**

**August 10, 2021**

### **PRESENT**

Commissioner Mark Crago, Chair, Tyrel Hamilton and Steve Riveland, members, Madisyn Hudecek, Admin Assistant.

Others Present: Piney Helmuth, Road & Bridge; Maureen Wiltshire, DES; Forrest Mandeville, Planning; Kevin Ray, Road & Bridge; Stephanie Ray, Economic Development; Christine Baker, Economic Development; Scott Waltner, Solid Waste; Marlo Pronovost, Stillwater County News; Citizens – Shirlee Keffer, Lynn Essex, Keith Brown, Robert Scarr.

### **OPEN PUBLIC HEARING**

Commissioner Crago opened the Public Hearing at 10:00 a.m.

### **REASON FOR PUBLIC HEARING**

Commissioner Crago made introductions and announced the Public Hearing is being held for the first reading of six speed ordinances.

Commissioner Crago read the attached speed limit Ordinance 2021-01 for the West Rosebud Road. No public comments were heard. One written comment was received by Josh and Piney Helmuth to have the speed reduced to 55 mph rather than the proposed 45 mph. Commissioner Hamilton **MOVED** to accept the first reading of Ordinance 2021-01. Commissioner Riveland **SECONDED**. No discussion. Motion passed unanimously.

Commissioner Crago read the attached speed limit Ordinance 2021-02 for the North portion of Schreiner Road. No public comments were heard. Commissioner Riveland **MOVED** to approve the first reading of Ordinance 2021-02. Commissioner Hamilton **SECONDED**. Discussion – Commissioner Crago stated that all six of these ordinances are from multiple citizen requests to adjust these speed limits. Motion passed unanimously.

Commissioner Crago read the attached speed limit Ordinance 2021-03 for the South portion of Schreiner Road. No public comments were heard. Commissioner Hamilton **MOVED** to approve the first reading of Ordinance 2021-03. Commissioner Riveland **SECONDED**. No discussion. Motion passed unanimously.

Commissioner Crago read the attached speed limit Ordinance 2021-04 for Quarry Road. No public comments were heard. Commissioner Riveland **MOVED** to approve the first reading of Ordinance 2021-04. Commissioner Hamilton **SECONDED**. No discussion. Motion passed unanimously.

Commissioner Crago read the attached speed limit Ordinance 2021-05 for Spring Creek Road. No public comments were heard. Commissioner Hamilton **MOVED** to approve the first reading of Ordinance 2021-05. Commissioner Riveland **SECONDED**. No discussion. Motion passed unanimously.

Commissioner Crago read the attached speed limit Ordinance 2021-06 for Nye Road FAS 419. No public comments were heard. Commissioner Crago stated that a phone call and email were received from Stillwater Mine in support of the speed change to 60 mph which would match the road from the Dean area up to the mine. The Stillwater Protective Association also supports the lowered speed limit of 60 mph. Commissioner Hamilton **MOVED** to amend Ordinance 2021-06 for the speed limit on Nye Road FAS 419, striking 65 mph and replacing it with 60 mph. Commissioner Riveland **SECONDED**. Discussion – Commissioner Crago stated that the decision to amend the ordinance was made in the public comment section. Commissioner Hamilton noted that then becomes part of the first reading.

Commissioner Crago further noted that the road & bridge department also agreed with the lower speed limit as well. Motion passed unanimously. Commissioner Riveland **MOVED** to approve the first reading of Ordinance 2021-06 with the amended speed limit. Commissioner Hamilton **SECONDED.** No discussion. Motion passed unanimously.

**CLOSE PUBLIC  
HEARING:**

Commissioner Crago stated the second reading of the Ordinances will be held on August 24, 2021 at 10:00 a.m. unless otherwise posted.

Commissioner Crago closed the public hearing at 10:33 a.m.

**With no further comments heard the meeting was adjourned at 10:33 a.m.**

APPROVED BY:     /s/ Mark Crago, Commissioner Chairman

ATTEST:           Heidi L. Stadel, Clerk and Recorder